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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on August 2, 2004

Date of Meeting: April 12, 2004

The Mayor and Council of the city of Tucson met in regular session, at the Tucson Convention Center, 260 S. Church Avenue, Tucson Arizona, at 5:06 p.m. on Monday, April 12, 2004, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Michael House	City Attorney
Kathleen S. Detrick	City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Rabbi Stephanie Aaron from Congregation Chaverin, after which the pledge of allegiance was presented by the entire assembly.

### **Presentations**

- (a) Mayor Walkup proclaimed April 12 through 18 to be Community Development Week and April 16 to be Community Development Day of Celebration. Jack Siry, Community Services Administrator, accepted the proclamations.
- (b) Mayor Walkup presented the "AZTA 2004 Outstanding Transit Organization" award to Sun Tran. George Caria, Sun Tran Director, accepted the award.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced that city manager's communication number 167, dated April 12, 2004, would be received into and made a part of the record. He also announced that this was the time scheduled for any member of the council to report on current events and asked if there were any reports. There were none.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced that city manager's communication number 168, dated April 12, 2004, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events and asked for his report. There was none.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced that city manager's communication number 165, dated April 12, 2004, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

### **(b) Location Transfer**

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| (1) MAMA'S PIZZA & HEROS<br>6996 E. 22 <sup>nd</sup> Street<br>Applicant: Joseph M. Spina, Jr.<br>City #013-04, located in Ward 4<br>Series 7<br>Action must be taken by: April 23, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
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### **(c) Special Event(s)**

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|---|--|
| (1) TUCSON JEWISH<br>COMMUNITY CENTER<br>3800 E. River Road<br>Applicant: Lee Ann Sanford<br>City #T027-04, located in Ward 2<br>Date of Event: May 2, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
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It was moved by Council Member Scott, seconded by Council Member West, and carried by a voice vote of 7 to 0, to forward liquor license applications 5(b)1, Mama's Pizza & Heroes; 5(c)1, Tucson Jewish Community Center; 5(c)2, Congregation Anshei Israel; 5(c)3, South Tucson Lions; 5(c)4, Rialto Foundation; 5(c)5, Strength Building Partners; 5(c)6, Raytheon Tucson Management Club; and 5(c)7, St. Cyril School & Church, be forwarded to the state department of liquor licenses and control with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

### **(c) Special Event**

<b>(4)</b>	<b>ST. JOSEPH PARISH FIESTA</b>	<b><u>Staff Recommendation</u></b>
	215 S. Craycroft Road	
	Applicant: Thomas M. Bayham	Police: In Compliance
	City #T035-04, located in Ward 6	DSD: In Compliance
	Date of Event: April 23, 2004	
	April 24, 2004	
	Public Opinion: Protest filed	

Kathleen S. Detrick, city clerk, announced that item 5(c)4, a special event for St. Joseph Parish Fiesta, had protests filed and staff filed an in compliance report. The applicant was present.

Mayor Walkup called on Vice Mayor Ronstadt.

Vice Mayor Ronstadt asked if any of the protestors were present. There was no one.

It was moved by Vice Mayor Ronstadt, seconded by Council Member West, and carried by a voice vote of 7-0, that liquor license 5(c)4, St. Joseph Parish Fiesta, be forwarded to the state department of liquor licenses and control with a recommendation for approval.

## **6. CONSENT AGENDA ITEMS A THROUGH E**

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items.

### **A. ASSURANCE AGREEMENT: (S02-052) CANTERBURY RANCH SUBDIVISION LOTS 1 TO 136 AND COMMON AREAS "A", "B", AND "C"**

- (1) Report from City Manager APRIL12-04-172 W5**
- (2) Resolution No. 19805 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S02-052 of a final plat for the Canterbury Ranch Subdivision, Lots 1 to 136 and Common Areas "A", "B", and "C"; and declaring an emergency.**

- B. FINAL PLAT: (S02-052) CANTERBURY RANCH SUBDIVISION LOTS 1 TO 136 AND COMMON AREAS “A”, “B”, AND “C”
- (1) Report from City Manager APRIL12-04-166 W5
  - (2) The City Manager recommends that, after the approval of the Assurance Agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. ASSURANCE AGREEMENT: (S03-013) GOLF LINKS CASITAS SUBDIVISION LOTS 1 TO 7
- (1) Report from City Manager APRIL12-04-170 W4
  - (2) Resolution No. 19806 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-013 of a final plat for the Golf Links Casitas Subdivision, Lots 1 to 7; and declaring an emergency.
- D. FINAL PLAT: (S03-013) GOLF LINKS CASITAS SUBDIVISION LOTS 1 TO 7
- (1) Report from City Manager APRIL12-04-171 W4
  - (2) The City Manager recommends that, after the approval of the Assurance Agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E. FINANCE: CONTINGENCY FUND TRANSFER FOR THE UNIVERSITY OF ARIZONA VIDEO PROJECT
- (1) Report from City Manager APRIL12-04-164 CITY-WIDE
  - (2) Resolution No. 19809 relating to finance; approving and authorizing the transfer of five hundred dollars (\$500.00) from the contingency fund to Organization 001-183-1838-268, for the University of Arizona Video Project; and declaring an emergency.

This is a request by Council Member Dunbar. Allocation of funds is as follows:  
Council Member Dunbar - \$500.00.

It was moved by Council Member Leal, seconded by Council Member Scott, that consent agenda items A through E be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: None

Consent agenda items A through E were declared passed and adopted by a roll call vote of 7 to 0.

**RECESS: 5:20 p.m.**

Mayor Walkup announced that the council would stand in recess until 6:00 p.m., at which time the council would reconvene with the last half of the session.

**RECONVENE: 6:00 p.m.**

Mayor Walkup called the meeting to order, and upon roll call those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor

**7. CALL TO THE AUDIENCE**

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Bill Katzel, requested the 55 acres north of Columbus Park be used to implement the County's preferred alternative.
- b. Lori Lustig, Government Liaison for Southern Arizona Homebuilders Association, withdrew SAHBA's request to delay the consideration of the Notice of Intent to Adopt Impact Fees and pointed out that there has been a steady decline in building permits.

- c. Wes Bramhall, complained to the Mayor and Council regarding the conduct of an outside group during a rally held by the group, "American Border Patrol".
- d. Laura Leighton, also complained to the Mayor and Council regarding the same rally and noted the Tucson Police Department should have addressed the outside group, so the "American Border Patrol" could continue their peaceful rally.
- e. Russ Dove, of "Protect Arizona Now" addressed the Mayor and Council about the rights for groups to assemble.
- f. Joseph Sweeney, presented a form letter to the Mayor and Council and encouraged each member of the governing body to send the letter to Mexico.

Mayor Walkup asked if anyone else wished to speak. There was no one.

#### **8. PUBLIC HEARING: ZONING (C9-00-34) HUNSBERGER – ROGER ROAD, MH-1 TO C-2 ZONING, CHANGE OF CONDITIONS**

Mayor Walkup announced that city manager's communication number 174, dated April 12, 2004, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on a request for a change of conditions and preliminary development plan for property located at the southwest corner of Fairview Avenue and Roger Road.

Mayor Walkup asked if the applicant or a representative was present and would they like to make a brief comment.

Thomas Sayler-Brown, of Sayler-Brown, Bolduc Architects, on behalf of the property owners, Rowe Enterprises, said that he was happy to be present before the mayor and council. He explained the original rezoning case was for a commercial building on the site with associated parking, but that project never got completed. His client purchased the property and would like to use it as a storage lot for new cars. There would be no activities on the lot other than the storing of cars, which were driven in from an existing lot down on Wetmore Road.

Mr. Sayler-Brown said the owners of the property made a presentation to the development services department, and they had created a masonry wall around this site with variations in the wall, variations in materials, wrought iron, and a landscape border on three sides. He said that they felt that they had created an attractive alternative to what was there now. He said he would be happy to answer questions.

Mayor Walkup indicated that there were no questions and recognized Council Member West.

Council Member West said that one of the things she noticed in this, and maybe Mr. Sayler-Brown was alluding to it, but she wasn't sure, and that was the razor wire along the top, and was it gone.

Mr. Sayler-Brown stated that they had agreed to take it away.

Council Member West responded “good” and asked, if in it’s place were they going to put those spiny plants at the base?

Mr. Sayler-Brown replied that they were going to use thorny plants, and some other type of wrought iron at the top that would blend in.

Council Member West said that “this council member” wouldn’t allow it, and that she was into design and then she thanked Mr. Sayler-Brown.

Mayor Walkup asked if there were further questions. There were none.

Mayor Walkup announced that the public hearing was scheduled to last for no more than one hour, and speakers will be limited to five-minute presentations. He asked if there was anyone in the audience who wished address to this issue at this time.

There was no one.

It was moved by Vice Mayor Ronstadt, seconded by Council Member West, to close the public hearing.

Mayor Walkup asked if anyone else wished to comment on this item and seeing no one called for the vote.

The motion to close the public hearing carried by a voice vote of 7 to 0.

Mayor Walkup asked for a motion.

It was moved by Council Member Dunbar, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to approve the request for a change of conditions as recommended by the city manager.

**9. ZONING: (C9-01-30) SUMMIT DEVELOPMENT – ALVERNON WAY, SR TO C-1 ZONING, ORDINANCE ADOPTION**

Mayor Walkup announced that city manager’s communication number 175, dated April 12, 2004, would be received into and made a part of the record. He also asked the city clerk to read ordinance 9947, by number and title only.

**Ordinance No. 9947**

Relating to zoning: amending zoning district boundaries in the area located east of the Alvernon Way alignment, between Kleindale Road and the Rillito River in Case C9-01-30, Summit Development – Alvernon Way, SR to C-1; and setting an effective date.

Mayor Walkup asked the council’s pleasure.

It was moved by Council Member West, seconded by Council Member Scott, that ordinance 9947 be passed and adopted.



Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: None

Ordinance 9947 was declared passed and adopted by a roll call vote of 7 to 0.

**10. BUILDING AND DEVELOPMENT: NOTICE OF INTENT TO ADOPT DEVELOPMENT IMPACT FEES FOR ROADS AND PARKS AND SCHEDULING A PUBLIC HEARING FOR JUNE 14, 2004**

Mayor Walkup announced that city manager's communication number 176, dated April 12, 2004, would be received into and made a part of the record. He also asked the city clerk to read resolution 19810, by number and title only.

Resolution No. 19810

Relating to building and development: acceptance of the Road and Park Impact Fee Study for the City of Tucson, Arizona; notice of intent to adopt road and park impact fees; scheduling a public hearing; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Scott, that resolution 19810 be passed and adopted, and to set the public hearing for June 14, 2004.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: None

Resolution 19810 was declared passed and adopted by a roll call vote of 7 to 0, and the public hearing on the proposed fees will be held on June 14, 2004.

**11. WATER: UPDATED TUCSON WATER FINANCIAL PLAN FOR FISCAL YEARS 2004 THROUGH 2009**

Mayor Walkup announced that city manager's communication number 173, dated April 12, 2004, would be received into and made a part of the record. He also announced that there would be a brief staff presentation.

Marie Pearthree, Tucson Water Deputy Director, explained that the financial plan that was being presented was essentially the same as the preliminary plan that was presented to the mayor and council back in February. The minor changes that had occurred revolved around updating the projected water sales, because the water department had projected slightly lower revenues in the early years and slightly higher in the later years, it was a very minor change. Also, upon recommendation of the budget department cost projections have been increased for employee costs, primarily pension expense and liability insurance. However, those costs were offset by a projected decrease in the essential Arizona water conservation districts capital rate, which was projected to drop from \$32 per acre-foot to \$28 per acre-foot. This would be a 1.5 percent increase every other year that remained the same.

Ms Pearthree noted that Council Member West had expressed a concern regarding the 177 in the outer years now up to 181 because of that change in revenue projections.

Mayor Walkup recognized Council Member West.

Council Member West said that she felt it was important, for those who were watching on TV, that on page 2 of 5 it was noted on average 63 percent of the required 1.5 percent rate revenue increase was attributed to the utilities operating requirements, 37 percent to capital requirements. She said she thought that was an important point. She inquired if the water department had taken into account the water quality requirements that were coming down from the federal government in the financial plan.

Ms. Pearthree replied that yes, it had been taken into account. The water department actually monitors the upcoming requirements very closely and they know which rules and water quality regulations were stalled. They know which ones were coming fairly quickly. The most immediate one was the arsenic regulation, but it would not have that much impact on Tucson because of the level at which the standard had been set, which was at ten parts per billion. They did look at them very closely and they incorporated them.

Council Member West said that she just wanted to be sure.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member West, seconded by Council Member Scott, that resolution 19807 be passed and adopted.

Mayor Walkup asked if there was any discussion.

Vice Mayor Ronstadt asked to review the issue of the water equity fee, because he thought it was important for people to remember that the reasons that the rates were so low now compared to the 1.5 the other year was because they implemented the water equity fee; otherwise it would have been 4 or 5 percent annually. He asked Ms. Pearthree if she could address that.

Ms. Peartree said that the revenues that would be brought into the department from the water system equity fee range from about \$5.5 million in the coming fiscal year to as much as \$8 million per year in later years. That, in turn, allowed them to pay down their debt from those fees; and therefore they were using less revenues to pay down that debt. That was the trade off. It actually meant a lot to the utility to have that fee in place.

Vice Mayor Ronstadt said that he imagined the ratepayer fee was less.

Ms. Pearthree said yes, absolutely, a very big difference.

Mayor Walkup recognized Council Member Scott.

Council Member Scott inquired as to who paid the water equity fee. She wanted staff to respond, just in case there were some people who did not know what it was or who pays it.

Ms. Pearthree explained that the water system equity fee was paid by new development, it was a reimbursement to the customers for the capacity that had been built into the city's infrastructure system, into the sizes of their pipes, reservoirs, pump stations, and similar items. New development was paying for that excess capacity that customers had already paid for. It was essentially a reimbursement.

Council Member Scott restated that meant not only brand new houses that were included but brand new expansions of facilities that may need a larger meter, and so forth.

Ms. Pearthree answered that was correct.

Council Member Scott said that just so it was clear who was paying.

Mayor Walkup asked the city clerk to read resolution 19807, by number and title only.

Resolution No. 19807

Relating to Tucson Water: approving and authorizing the Tucson Water Financial Plan for the period from fiscal year 2004 to fiscal year 2009, and an increase in water rates charged by the City of Tucson; and declaring an emergency.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup.

Nay: Ibarra

Absent/Excused: None

Resolution 19807 was declared passed and adopted by a roll call vote of 6 to 1.

**12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced that city manager's communication number 169, dated April 12, 2004, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member West, seconded by Council Member Leal, and carried by a voice vote of 7-0, to reappoint Wade Doyle, Steven Herzog, Lynn Kastella and Dick Palmer to the Fire Code Review Committee.

Council Member Leal announced his personal appointment of Glenn Howell to the Human Relations Commission.

Council Member Scott announced her personal appointments of Jan Gordley to the Small Business Commission and Jim Kuliesh to the Tucson Convention Center Commission.

**13. ADJOURNMENT: 6:32 p.m.**

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held Monday April 19, 2004 at 5:00 p.m., in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

## CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 12<sup>th</sup> day of April, 2004, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

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MANAGEMENT ASSISTANT

KSD:DD:bp  
Pr agnst tp:dm